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6 **UNITED STATES DISTRICT COURT**
7 **FOR THE WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 JEFFREY TAYLOR and ROBERT SELWAY,
10 on behalf of themselves and all others similarly
situated,

11 Plaintiffs,

12 v.

13 AMAZON.COM, INC., a Delaware
14 corporation,

15 Defendant.

Case No. 2:24-cv-00169

16 **NOTICE OF RELATED CASE**

Pursuant to Local Civil Rule 3(g)(1), Plaintiffs Jeffrey Taylor and Robert Selway hereby submit this notice of a pending, related case in the Western District of Washington. The related case is *Hogan v. Amazon.com Inc.*, 2:21-996-JHC (“*Hogan*”), assigned to Judge John H. Chun and inclusive of all cases consolidated with *Hogan*.¹

Both the *Taylor* and the *Hogan* Actions seek to represent consumer classes injured by Amazon’s practice of selecting the retail offer that is featured to consumers on Amazon Marketplace as the “Featured Offer” or Buy-Box winner. However, that is where the resemblance ends. Plaintiffs Taylor and Selway assert a single claim under the Washington Consumer Protection Act on grounds that Amazon’s Buy Box selection process defrauds consumers by giving preference to Amazon and sellers that use Amazon’s logistics service even when a lower priced option is available for the same product with equivalent delivery speed.

By contrast, *Hogan* exclusively raises federal “antitrust claims” under Sections 1 and 2 of the Sherman Act “against Amazon.com Inc. and Amazon.com Services LLC (“Amazon”) based on . . . allegations that the company overcharges consumers by tying third-party sellers’ access to the ‘Buy Box’ on Amazon’s website to third-party sellers’ use of Amazon’s fulfillment services.”² To illustrate the disparity in factual and legal requirements between these two Actions, *none* of the bases Amazon asserts to dismiss the *Hogan* antitrust action bear on the *Taylor* Plaintiffs’ deceptive practices Action, i.e., whether the *Hogan* Plaintiffs have antitrust standing; the sufficiency of their allegations of an antitrust violation (whether they allege a legally cognizable tie, market power in the tying product market, coercion in the purchase of the tied product) and whether they allege plausible facts to support fraudulent concealment.³

¹ *Hogan*, ECF No. 17 (consolidating *Hogan* with *Seberson v. Amazon.com, Inc.*, No. 21-cv-1009); ECF No. 61 (Order consolidating *Hogan* and *Hopper v. Amazon.com, Inc.*, No. 2:23-cv-01523 (W.D. Wash.), and ordering that the Second Amended Complaint in *Hogan*, ECF No. 44 , will be the operative complaint and the Court’s ruling on the pending motion to dismiss in *Hogan*, ECF No. 49, shall bind all parties to the consolidated action).

² *Hogan*, ECF No. 61 (Order) at 2.

³ *Hogan*, ECF No. 49 at i (table of contents to Amazon’s motion to dismiss).

